

**CITY COUNCIL MEETING  
CITY OF WATERTOWN  
July 18, 2011  
7:00 P.M.**

**MAYOR JEFFREY E. GRAHAM PRESIDING**

**PRESENT:**           **COUNCIL MEMBER ROXANNE M. BURNS  
COUNCIL MEMBER JOSEPH M. BUTLER JR.  
COUNCIL MEMBER TERESA R. MACALUSO  
COUNCIL MEMBER JEFFREY M. SMITH  
MAYOR GRAHAM**

**ALSO PRESENT:**   **MARY M. CORRIVEAU, CITY MANAGER  
CITY ATTORNEY ROBERT J. SLYE**

**City staff present: Elliott Nelson, Ken Mix, Gene Hayes, Jim Mills, Chief Herman, Doug Osborn and Andrew Nichols**

The City Manager presented the following reports to Council:

- 1 - Reappointment to the Board of Assessment Review, Linda J. Fields
- 2 - Authorizing Budget Modification Request No. 1 for FY 2009 Small Cities Community Development Block Grant
- 3 - Readopting Fiscal Year 2011-12 Tourism Fund Budget
- 4 - Approving Public Benefits Services Agreement Between the City of Watertown and the Jefferson County Historical Society
- 5 - Approving Change Order No. 1 to Agreement Bat-Con, Inc. for Reconstruction of the J.B. Wise Parking Lot
- 6 - Approving Change Order No. 2 to Professional Services Agreement for Interoperable Communications, Blue Wing Services, Inc.
- 7 - Approving an Amendment to the Site Plan for the Construction of an 88,044 Square Foot, 4 Story, 132-Unit Hilton Garden Inn Located at 1290 Arsenal Street, Parcel Numbers 8-53-102.001, 8-53-103.100, 8-53-106.100, and 8-53-114
- 8 - An Ordinance Amending the Ordinance Dated June 18, 2007, as Amended October 4, 2010, Authorizing the Issuance of \$2,595,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of Improvements to the J.B. Wise Parking Lot, Including the Replacement of Water Mains and Sanitary Sewers and the Construction of a Storm Water Drainage System, to Increase the Estimated Maximum Cost Thereof and the Amount of Bonds Authorized to \$2,695,000
- 9 - Laid Over Under the Rules – Ordinance Approving the Zone Change Request Submitted by Patrick J. Scordo Changing the Approved Zoning Classification of a 13.61 Acre Portion of Parcel No. 13-23-101 From Residence A to Commercial and a 2.485 Acre Non-Zoned Portion of Parcel No. 13-23-102.1 to Commercial
- 10 - Sales Tax Revenue – June 2011, Yearend Report
- 11 - Bike Auction Results

- 12 - Surplus Vehicle Auction Results
  - 13 - Tax Sale Certificate Assignments – ICA Renovations 3, LLC
  - 14-Letter from Brian R. Drappo, Thousand Islands Area Habitat for Humanity
- COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK**

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of July 5, 20011 and the special meeting of July 11, 2011 was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith and carried with all voting in favor thereof.

### **COMMUNICATIONS**

No communications were received.

### **PRIVILEGE OF THE FLOOR**

**Thomas Carmen**, President and CEO of SMC addressed the chair with an update on the senior assisted living facility. He advised Council that due to the federal wetlands discovered on part of the property and the fact that the approval process to proceed with that property would take over a year to complete, another site has been selected. He explained that SMC didn't feel that a delay to the project would make sense. Therefore, they will be using an 18 acre parcel at Washington Summit. The project will have the same layout and will still be a campus style environment. He expressed regret that this project couldn't be kept in the City. He also advised that SMC had looked at another 20 acre parcel in the City. However, wetlands were located in the middle of it. He asked that Council withdraw the two resolutions for the site plan approval and the SEQRA approval process.

Mayor Graham asked what the SMC's intentions were for the parcel they were purchasing from the City.

Mr. Carmen advised that they plan to continue with that. However, they will not be purchasing the parcel from the school district.

Mayor Graham asked about the construction time line.

Mr. Carmen responded that it should be completed by December 2012. They will be vacating the Mercy facility at that time.

Mayor Graham asked what the City should be looking at in regards to the Mercy building.

Mr. Carmen responded that the first thing that needs to be done is to have a clear understanding of who owns and controls it. He stated that this would be very important from a developer's stand point.

Council Member Burns asked who the architect was on the assisted living facility.

Mr. Carmen advised that it is RLPS from Lancaster, PA. They deal, almost exclusively, with long term care facilities.

Council Member Burns thanked Mr. Carmen for addressing Council this evening and stated that she does appreciate the fact that SMC is still purchasing the property from the City.

Council Member Smith asked Mr. Carmen how much the state gave SMC to step up and run Mercy and if the dead line to be out is based on the assisted living facility.

Mr. Carmen explained that the assist living facility is anticipated to be ready by December 2012. They also planned on being out of Mercy in 24 months. He also advised that there wasn't any money coming forward from the state for receivership and at this point, there are no grants.

Council Member Smith asked if SMC would have to re-apply for the HEAL funding because now SMC isn't in control of the properties.

Mr. Carmen advised that by the time this comes before HEAL, SMC will be in control.

Council Member Butler asked if Mercy was operating at a profit or loss since SMC took over.

Mr. Carmen stated that it was at a loss. He advised that there was a lack of financial systems in place and accounting reports have had to be rectified.

Council Member Butler asked about the viability of the Mercy site for a nursing home in the future.

Mr. Carmen explained that there is a formula used by the state for the number of nursing home beds. There is not a demonstrated need to add anymore than have been authorized already by the state and include the ones in the assisted living facility.

Council Member Macaluso asked if there were any major issues with the building.

Mr. Carmen stated that there were not.

**Sebby Abbate**, Seymour Street, addressed the chair and advised that he had two concerts planned at the fairgrounds. One is on July 26<sup>th</sup> at the arena and the other is on August 20<sup>th</sup> on the ball field. He referred to information that he had given to the Council in regards to issues that had been brought up.

Mayor Graham advised that this would be discussed under new business.

**Lisa Lobdell**, 613 Meade Street, addressed the chair explaining that her property, which is at the end of the dead end street, was included in the sidewalk program. She explained that the street is very narrow and people use a portion of the margin as a turn-around. Until the sidewalk was replaced, that area was asphalt. She stated that she was promised that it would be returned to asphalt. However, it was replaced with dirt and grass. She remarked that she has no problem with the sidewalk program. All she was asking for is that the area be put back the way it was before – with asphalt.

Mayor Graham asked that a report be prepared by staff for this.

Mrs. Corriveau advised that Mr. Hauk was here and could address the issue.

Mr. Hauk explained that there was a sinkhole in the margin area that had to be repaired in order to replace the sidewalk. Before the asphalt could be replaced, the margin parking law went into effect and so the area was replaced with grass.

Council Member Butler asked how Ms. Lobdell would have thought the area would be replaced with asphalt.

Mr. Hauk stated that his tech had told her.

Mayor Graham asked what was wrong with replacing it as it was. After looking at the photos supplied by Ms. Lobdell, he remarked that he didn't understand why there was a sidewalk there anyway as it goes nowhere because the street is a dead end. He stated that this is just another nuance of the margin law.

**Jamie Deloria**, 329 Winslow Street, addressed the chair advising that they had problems with ice falling off their roof over the past winter. The house was purchased in 2007 and there was a driveway in the front of the house. They had gravel brought in so they could park in the front and then were told that there was no front yard parking. She explained that she went to the board for a variance because they were not able to construct a carport or redo the roof this year due to the expense. Ms. D commented that it scares her to park on the side of the house in the winter because of the safety of her children. She stated that Justin Wood had advised her to come to Council and to ask for a one year reprieve.

Mayor Graham stated that this could be discussed under new business.

**Bill Hudson**, 427 E. Main Street, addressed the chair concerning property tax relief for people with disabilities.

Mayor Graham explained that there are some exemptions under the law. However, to say that one doesn't have to pay any taxes can't be done.

Mr. Hudson explained that he expects to pay taxes but was wondering if there were any exemptions available.

Mrs. Corriveau advised that there is an exemption available for disabled veterans as well as for persons 65 and older.

Council Member Burns also advised that there is a STAR exemption that is available for everyone and an enhanced STAR exemption that is available for those 65 and older. She told Mr. Hudson that the City Assessor would be able to help him with that.

**Sheila Barney-Pullus**, 414 Lincoln Street, addressed the chair asking where the City stands on collecting the past due bills discovered as a result of the audit. She also asked what the Council intends to do with the Mercy because they just can't speculate.

Mayor Graham responded that the bills were discussed at the work session last week and the discussion on the Mercy will be held under new business.

**Shawn Schroy**, 17481 US Rte. 11, addressed the chair stating that he and another individual purchased properties on Merline Avenue and intend to combine them into 2 lots. However, now they find that there are no City water or sewer lines. He commented that four houses on the street tie into Morrison Avenue. He asked if the City would be willing to put a main water and sewer line in to meet Code standards.

Mayor Graham commented that the situation with the street has come up before and advised that generally a developer of a sub-division puts in the utilities. He asked that a report be prepared on this.

## **RESOLUTIONS**

### **INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

RESOLVED that the following individual is reappointed to the Board of Assessment Review for a five-year term, such term expiring on September 30, 2016:

Linda J. Fields  
302 Gale Street  
P.O. Box 6179  
Watertown, New York 13601

### **SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

### **INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the Grant Agreement with the New York State Housing Trust Fund Corporation represented by the Office of Community Renewal for the City of Watertown's FY 2009 Small Cities Community Development Block Grant contains budget amounts for each activity, and

WHEREAS a Budget Modification must be approved by the Office of Community Renewal if the budget amounts are to be altered, and

WHEREAS Form 7-1 has been completed showing the shifting of funds from Administration and Program Delivery to Rehab and New Construction, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that it hereby authorizes the proposed Budget Modification No. 1 for the FY 2009 Small Cities Community Development Block Grant, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to sign the Budget Modification Form on behalf of the City

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS on June 1, 2011 the City Council passed a resolution adopting the Budget for Fiscal Year 2011-12, of which \$237,000 was appropriated for the Tourism Fund, and

WHEREAS on July 5, 2011 City Council approved appropriating an additional \$5,000 to the Jefferson County Historical Society,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that it hereby re-adopts the Tourism Fund Budget for Fiscal Year 2011-12 in the total amount of \$242,000 and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown that the following adjustments be included in the re-adopted Tourism Fund Budget.

Revenues

Appropriated Fund Balance	<u>\$ 5,000</u>
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Total	<u>\$ 5,000</u>
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Expenditures

CT 6410.0430 Publicity \$ 5,000

Total \$ 5,000

**SECONDED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR. AND CARRIED  
WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS ABSTAINING**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City Council has received a request for funding to support the promotion of the Jefferson County Historical Society, and

WHEREAS the City Council of the City of Watertown desires to appropriate \$10,000 from the FY 2011-12 Tourism Fund to support the Jefferson County Historical Society, and

WHEREAS the Jefferson County Historical Society will expend the funds to market and promote the City of Watertown through the public media, print, radio, television, direct contact and other promotional devices and that this will encourage tourism in the City of Watertown, and

WHEREAS the City of Watertown wishes to enter into an Agreement for Public Benefit Services between the City of Watertown and the Jefferson County Historical Society, a copy of which is attached and made a part of this resolution,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves a Public Benefit Services Agreement between the City of Watertown, New York and the Jefferson County Historical Society, and

BE IT FURTHER RESOLVED that City Manager Mary Corriveau is hereby authorized and directed to execute the Agreement on behalf of the City Council.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED  
WITH ALL VOTING YEA EXCEPT COUNCIL MEMBER BURNS ABSTAINING**

**INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS**

WHEREAS on October 4, 2010, the City Council of the City of Watertown approved a bid submitted by Bat-Con, Inc. of Marcellus, New York, in the amount of \$2,316,240 for the reconstruction of the J.B. Wise Parking Lot, and

WHEREAS City Engineer Kurt W. Hauk has submitted the Change Order No. 1 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 1 results in an additional charge of \$96,235.00, bringing the contract amount to \$2,412,475.00,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves Change Order No. 1 to the contract with Bat-Con, Inc., for the reconstruction of the J.B. Wise Parking Lot, in the amount of \$96,235.00, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that the approval of this Change Order is subject to the City Council's approval of an amended Bond Ordinance for this project, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute the Change Order documents on behalf of the City of Watertown.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the accompanying bond ordinance for the issuance of \$100,000 of debt. He asked what the amount of surplus in operating funds was at the end of this past fiscal year.

Mr. Mills explained that he doesn't have those figures yet as it is too early.

Council Member Butler remarked that there would be a surplus and stated that he would go along with the resolution but wouldn't support the bond ordinance as he would like the money to come from the operating budget.

Mrs. Corriveau explained that whether or not we borrow the money, a bond ordinance needs to be approved and if Council wants to use the fund balance, the bond ordinance can be amended to state that.

**INTRODUCED BY COUNCIL MEMBER TERESA R. MACALUSO**

WHEREAS on August 16, 2010 the City Council of the City of Watertown approved a bid submitted by Blue Wing Services, Inc. of St. Paul Minnesota, in the amount of \$85,940 for an interoperable communications study, and

WHEREAS on March 7, 2011 the City Council of the City of Watertown approved Change Order No. 1 to the Agreement with Blue Wing Services, Inc., in an amount not to exceed \$14,000, and

WHEREAS Fire Chief Dale C. Herman has requested to rescind Change Order No. 1 and approve Change Order No. 2 to that contract for consideration by the City Council, and

WHEREAS Change Order No. 2 results in no additional charges but moves existing grant monies to cover FCC Licensing, Coverage Testing and Creation Review Recommendation,



NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown rescinds Change Order No. 1 and approves Change Order No. 2 to the contract with Blue Wing Services Inc., which reallocates money from Fielding to Design for an interoperable communications study.

**SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA**

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS on April 19, 2010 the City Council approved the application made by Ryan Churchill of GYMO, P.C. on behalf of the Patrick Donegan of Millennium Development, for site plan approval of an 88,044 square foot, 4 story, 132-unit Hilton Garden Inn hotel at 1290 Arsenal Street, parcels 8-53-102.001, 8-53-103.100, 8-53-106.100 and 8-53-114, and

WHEREAS said approval included the stipulation that nine specific conditions be met, the ninth of those conditions requiring the construction of a sidewalk along the south margin of the most southerly entrance drive from Western Boulevard, before the issuance of a Certificate of Occupancy, and

WHEREAS Patrick Donegan of Millennium Development has requested that the ninth condition be modified to allow for the construction of that sidewalk on the north margin of the most southerly entrance drive from Western Boulevard, and

WHEREAS the Planning Board of the City of Watertown reviewed this proposed modification at its meeting held on July 5, 2011, and recommended that the City Council of the City of Watertown alter the ninth condition, and add a tenth condition, reading as follows:

9. As part of the site plan for the hotel, the applicant must construct a sidewalk along the north margin of the most southerly entrance drive, from Western Boulevard to the corner north of the AT&T building, prior to the issuance of a Certificate of Occupancy for the building.
10. The applicant must install the following crosswalks: across the most southerly entrance drive where it intersects Western Boulevard, across the north-south drive just southeast of the proposed Five Guys restaurant, and connecting all four corners of the intersection just northwest of the AT&T building.

And,

WHEREAS this change is of insufficient significance to require a new environmental review pursuant to the State Environmental Quality Review Act,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the resolution adopted on April 19, 2010, which approved the construction of an 88,044 square foot, 4-story, 132-unit Hilton Garden Inn hotel at 1290 Arsenal Street, is hereby amended such that Condition #9 reads as recommended above, and

BE IT FURTHER RESOLVED that a Condition #10 is hereby added to said resolution of April 19, 2010, reading as recommended above.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO AND CARRIED  
WITH ALL VOTING YEA**

Prior to the vote on the foregoing resolution, Council Member Butler asked about the change in placement of the sidewalk.

Mr. Mix remarked that staff still believes that the south side is the better location. However, the Planning Board approved the north side location.

The following resolution was not in the agenda and was presented to Council:

**INTRODUCED BY COUNCIL MEMBER JEFFREY M. SMITH**

WHEREAS the City is a municipal corporation organized under the laws of the State of New York and, as such, owns a facility known as the Alex T. Duffy Fairgrounds within the City of Watertown, and the Fairgrounds are a community recreational facility, and

WHEREAS the City desires to promote future recreational activities at the Fairgrounds for the valid public purpose of the benefit, recreation, entertainment, amusement, convenience and welfare of the people of the City, and

WHEREAS in pursuit of that public purpose, the City desires to contract for the use, operations, management and maintenance of the Fairgrounds multi-purpose field and all football-related activities, and

WHEREAS the Greater Watertown Red and Black, Inc. owns and operates a football team as a member and franchise of the Empire Football League, and

WHEREAS Greater Watertown Red and Black, Inc. desires to have its team, Red and Black, play football games within the confines of the Fairgrounds,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the Lease Agreement between the City of Watertown and the Greater Watertown Red and Black, Inc., and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to execute the Agreement on behalf of the City.

**SECONDED BY COUNCIL MEMBER TERESA R. MACALUSO**

**RULES WAIVED BY MOTION OF COUNCIL MEMBER SMITH, SECONDED BY COUNCIL MEMBER MACALUSO AND CARRIED WITH ALL VOTING YEA**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TABLE THE FOREGOING RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

### **ORDINANCE**

**THE BOND ORDINANCE LISTED ON THE AGENDA FOR THIS EVENING'S MEETING WAS NOT INTRODUCED OR SECONDED.**

**Council concurred that an ordinance be prepared for the next regular Council meeting indicating that the cost overrun would be paid through fund balance.**

**MOTION WAS MADE BY COUNCIL MEMBER BURNS TO TAKE FROM THE TABLE THE ORDINANCE "APPROVING THE ZONE CHANGE REQUEST SUBMITTED BY PATRICK J. SCORDO CHANGING THE APPROVED ZONING CLASSIFICATION OF A 13.61 ACRE PORTION OF PARCEL NO. 13-23-101 FROM RESIDENCE A TO COMMERCIAL AND A 22.485 ACRE NON-ZONED PORTION OF PARCEL NO. 13-23-102.1 TO COMMERCIAL**(Introduced on May 16, 2011; public hearing held on June 6, 2011; tabled; appears in its entirety on page 119 of the 2011 Minutes Book).

**MOTION WAS SECONDED BY COUNCIL MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Council Member Burns withdrew her introduction of the ordinance and Council Member Smith withdrew his second.**

### **ORDINANCE WITHDRAWN**

Mr. Mix commented that Mr. Carmen had asked that the two resolutions be removed, not the zone change ordinance.

The City Clerk indicated that the two resolutions had never been introduced or seconded so needed no removal.

After discussion with Attorney Slye, Mr. Mix indicated that since another public hearing would not be required for the boundary changes to the zoning ordinance, a new ordinance will be prepared for the next meeting with the corrected boundaries.

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**COUNCIL DISCUSSED THE FOLLOWING TOPICS:**

**Habitat for Humanity**

**INTRODUCED BY COUNCIL MEMBER JOSEPH M. BUTLER, JR.**

**BE IT RESOLVED** that the City Council of the City of Watertown does hereby waive the fee for the connections associated with water and sewer service at 126 W. Lynde Street.

**SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA**

**RULES WAIVED BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Tax Sale Certificate Assignments – ICA Renovations 3, LLC**

Council was advised that Mr. Mills had contacted the gentleman from ICA. He is willing to assign, but wanted to be reimbursed for his costs.

Mayor Graham discussed the Mercy property and the fact that no taxes are being paid and that next spring when the redemption period is done, ICA could file a deed and claim ownership. He remarked that if the City had a clear path and if we decided to take titled in 2012 and file a deed, the City would be in possession of the property while it was still in use. If the goal is to eliminate all other parties from the chain, this would be one way to do it. He remarked that whenever the issue of Mercy is raised, the question always comes up as to who controls it.

Council Member Smith commented that the proposal would be a path to ownership by 2012 instead of 2013 by taking the ICA out of the chain.

Mayor Graham surmised that they would want to recover what they can of the \$36,000. He commented that once the City had a clear path to ownership, they could contact DANC and the other agencies.

Council Member Burns remarked that if we don't have ownership, we have no plan and no stake in it. She stated that it is either sooner or later and if we wait we are just putting off the inevitable.

Council Member Smith asked when this could happen in 2012.

Mrs. Corriveau remarked that it would be in June 2012.

Council Member Smith responded that SMC wouldn't have their facility built by then. He asked if we were going to change policy and be in the landlord business.

Mayor Graham commented that when the City acquired houses with people in them, the City did have to have the tenants move out so that the properties could be sold. However, no one is suggesting that patients be evicted from Mercy. He stated that if the City did file the deed, they would be a landlord and would collect the rent. He remarked that if we don't file, no one has claim to it. If options become available to us between now and then, this would allow the City to do something.

Attorney Slye remarked that it is his opinion, though different from Mr. Mills, that ICA is now out of it. He stated that because we are the City, we continue to make the county and school taxes whole and to take title is a pretty big step. A tax deed would cut off GE Mortgage as well as leases or any other interests in the property.

Mayor Graham remarked that it is the same thing with the Masonic Temple.

Attorney Slye commented that the City Codes Office has issued orders to the Masonic Temple and once the City takes title we are responsible for those orders.

Mayor Graham asked if ICA was out of the loop on the Masonic Temple.

Attorney Slye stated that we would be if we bought the second tax sale certificate.

Council Member Smith remarked that this is similar to what Mr. Cleaves did with the parcel of land that no one knew who owned it.

Attorney Slye commented that we couldn't take title because Mr. Cleaves kept the taxes current.

The discussion turned to 1 Boyd Place and the fact that ICA wants the City to take it.

Referring to the Mercy, Council Member Smith remarked that moving the ownership up one year could be an even bigger white elephant. We would be in the business of running a long term care facility and the City shouldn't be nor couldn't be in that business. He commented that SMC is operating it at a deficit and this would be a bad road to go down. He asked about the chain and if it included the Sisters of Mercy and asked if this had been checked into.

Mrs. Corriveau stated that it had been checked.

Council Member Smith remarked that he still wouldn't rule out problems for SMC with the HEAL grant funding as they don't have control of the property and that was a large portion of the requirement.

Council Member Burns commented that she agrees with Council Member Smith, but doesn't feel that we can have serious negotiations with the county if we don't have ownership of the building. She stated that we all had hopes that SMC would look at it for assisted living, but they have

made it clear that they won't. If we took ownership, we would continue with the same arrangement. SMC would pay us instead of paying the entity that they now pay. Council Member Smith remarked that if we become landlords, if the hearing or air conditioning goes out, we would have to replace it.

Mayor Graham responded that Council Member Smith was misinterpreting what he was saying. He stated that no one is suggesting that the City run a facility or evict anyone. This came up because ICA came and wanted to buy other parcels. He stated that he thought it would be good to get ICA out of the line of title for Mercy. However, no one is suggesting that the City operate an extended care facility. He stated that we should have ICA out of the mix and we should have the ability to file the deed. He stated that he specifically said this was not a way to own the property but a way to obtain title.

Council Member Smith responded that he heard we wanted to have ownership. He stated that his concern is if we are going to buy the certificate, it is to have ownership a year early and there would have to be new agreements drawn up.

Attorney Slye commented that the effect of a tax deed is to cut off all interest in the property and is the cleanest way to do it.

Council Member Butler asked what GE's liability was on this and commented that no one seems to know what they are owed. He commented that he is not sure he is willing to do this as he has concerns as to what responsibilities the City would inherit.

Attorney Slye advised that the holder of the tax certificate has the right to take title to the property.

Council Member Butler asked if the City had taken title to commercial property with an operating business before.

Attorney Slye stated that they hadn't. In the past, it was just houses and the people were evicted.

Mayor Graham commented that this came up because he saw it as an opportunity to get ICA out of the chain.

Attorney Slye stated that if the Council is willing to wait until 2012 or 2013, ICA will be out of the chain.

Mayor Graham commented that he was just trying to get a handle on SMC closing it down in 2012 and then GE & ICA will walk away.

Attorney Slye responded that for the purposes of these discussions, the difference in opinions that he and Mr. Mills have would make no difference.

Council Member Smith stated that he still doesn't understand why we have to wait until 2013 to sit down with the county.

Discussion turned to the Masonic Temple and Mrs. Corriveau advised that this is privately owned and they are still the owner of record. It is beyond the point where they can redeem the property and ICA did hold the tax sale certificate. As of June 24, 2011, the city holds the certificate.

Council Member Smith suggested making a call to the Masons and to some local development agencies and getting them to go through the building.

Mayor Graham stated that this was discussed two years ago.

Mrs. Corriveau responded that staff was told at that time not to spend money on a building that we didn't own.

Mayor Graham commented that there should be a handy hand book on these tax issues.

Attorney Slye responded that there is, it is called the City Charter. The City's only concern is collecting the taxes.

Mayor Graham asked what Council's desire was on the properties that didn't sell in the auction – should they go back for auction or to a private sale.

Council Member Burns and Council Member Smith said private sale.

Council Member Smith asked about the 1 Boyd Place parcel and stated that the City should go after the person that owns it.

Mrs. Corriveau advised that the person hasn't done anything to the property and hasn't responded to anything and the property has gone down hill. ICA can ask for a tax sale deed. She commented that the City will end up paying for the demolition.

Discussion was held on the Codes issues for the property, and Council Member Smith questioned that if it is safety issue, can't we move in and deal with it.

Attorney Slye stated that if it is an eminent danger issue, we can. But, it all comes down to how much money you want to spend on the property.

Council Member Burns remarked that if we send in DPW crews, it becomes a tax lien with outstanding money due on the property.

Council concurred to demolish the property.

### **Utilities on Merline Avenue**

Council concurred that their position remains that the developer puts in the utilities.

Mr. Schroy stated that there are four other houses with 4" lines that go down to Morrison Street with none being up to code.

Mrs. Corriveau stated that we did have extensive discussions on this before. She will prepare a report with the minutes from those discussions for Council.

### **329 Winslow Street**

Council discussed the request from the property owner for a temporary permit for front yard parking.

Ms. Deloria advised that Justin Wood suggested coming to Council with the request.

Attorney Slye explained that the carport would be too expensive as due to the proximity of the neighbor, it needed to be made of concrete and steel to comply with state code. He stated that he is not aware of any one person exemption from the code. He explained that Mr. Wood suggested applying for a use variance, which would go back before the ZBA.

Mayor Graham commented that the City has an ordinance and the books and it is fairly explicit. He stated that in this particular case, Council can't say it is fine and grant the request and he didn't see much that Council could do about it.

Ms. Deloria remarked that she is just afraid of parking next to the house because of her children. She stated that when they bought the house in 2007, it was paved and this just came up this year.

Mayor Graham reiterated the fact that there is nothing Council can do.

Council Member Butler asked if the ordinance could be amended.

Council Member Smith responded that you either have the ordinance or you don't have it.

Council Member Burns remarked that she didn't have the benefit of knowing where this is and she didn't think it was appropriate to be asked to act on this tonight without more discussion than Council can do at this time.

Attorney Slye stated that the ZBA is the relief valve. The City has a mechanism in place to deal with it. However, the State Code trumps it.

Council Member Butler asked how many tickets were written to enforce the front yard parking ordinance. He stated that he sees cars parked in margins everyday.

Attorney Slye reminded Council that these ordinances are complaint driven enforcement.



Council Member Smith stated that if it is observed, it should be enforced.

Council Member Butler asked if police officers are calling Codes if they see that there are violations.

Mrs. Corriveau stated that she has. She explained that after a complaint is received, Codes goes out and talks to the property owners. She stated that we are looking for compliance and if they ignore it, then there is a process for a fine.

Council Member Macaluso stated that she would like to go over and look at the property.

### **Concerts at Fairgrounds**

Mayor Graham commented to Mr. Abbate that he was told the concert had been advertised for weeks or months on the radio.

Mr. Abbate explained that they contacted Parks & Rec, as they have for years, and booked the arena for one concert and the ball field for the other one. He stated that Buckcherry is scheduled for the arena on July 26<sup>th</sup>.

Mrs. Corriveau referred to the AAR meeting held on July 5<sup>th</sup> following the Tragically Hip concert.

Council Member Burns asked what AAR stood for.

Mrs. Corriveau explained that it is an after action report and was held because of the incident with the vehicle and the desire to have the discussion about the size of the concert and what went well and what didn't go well.

Council Member Butler asked Mr. Abbate what he wanted from Council.

Mr. Abbate stated that he was confused as to whether or not the City was going to allow Godsmack to play. He stated that he has done everything as he had in the past and now there is some backlash on if he can move forward or not. He stated that he has deposit money and advertising money already spent.

Council Member Butler asked the City Manager what was left to be done for the concert to happen.

Council Member Burns stated that she felt like she was being put on the spot by Mr. Abbate. She stated that she understands his concern. But, this is the first that she has heard about a meeting after the Tragically Hip concert.

Mrs. Corriveau stated that staff doesn't have a problem with the Buckcherry concert next week.

Council Member Butler remarked that normally Council is not involved in this.

Mayor Graham remarked that he assumed the ministerial arrangements have already been made for it.

Mrs. Corriveau stated that she hasn't signed the alcohol permit because she didn't get back a report from the police department until Friday. Capt. Comins indicated that he felt that the concert could be controlled as it was being held in the arena. The majority of the response from city staff was they didn't have as much concern with this concert as the one in the ball field in August.

Council Member Macaluso asked how many tickets had been sold.

Mr. Abbate stated 800 had been sold at \$25 each.

Council Member Burns asked if alcohol permits could be obtained quickly through the state as the City Manager hadn't given her approval yet.

Larry Burnett, representing the fair board, addressed the chair stating that he had sent the application in on June 4<sup>th</sup> and was still waiting. He stated that it really puts everyone in a bind. He stated that they would have to contact state representatives to move things along. He commented that these meetings are always held with staff and never include the people involved in the event.

Mrs. Corriveau stated that the date on the check was June 27<sup>th</sup>.

Mr. Burnett stated that he misspoke.

Mayor Graham commented that these things have gotten increasingly complicated. He asked Mr. Abbate if there were any other events planned by his company at the fairgrounds this year.

Mr. Abbate stated that there were not. However, he advised them that he does do events at the Jefferson County Fair Hall building.

Mayor Graham remarked that the City Manager and staff have to sign off for safety reasons, etc. Council's job is to institute a policy. The present policy is that any individual can walk in and pay \$500 and induce the City to let them hold a concert at a cost to the City taxpayer's of \$20,000 sometimes.

Mrs. Corriveau stated that based on the feedback from staff, she doesn't have a problem with the Buckcherry concert. However, staff does have concerns with the Godsmack one regarding electricity, jersey barriers doing damage to the field, the number of people and the event and the ability to handle alcohol sales at the event. She stated that it can't happen as it did at the

Tragically Hip event. She stated that it is the type of band that Godsmack is and the type of things that happen at their concerts that makes it very different from other ones.

Mr. Abbate advised that he anticipated 5,000 at the Godsmack concert and has sold 1,100 tickets. Council Member Smith asked what the concerns about the electricity are.

Mrs. Corriveau explained that the stage would be in front of the grandstand and the electric department has concerns about that.

Mayor Graham asked if the electric expenses are billed to the promoter.

Mr. Hayes stated that they are not.

Mayor Graham referred to the Tragically Hip concert at the fact that \$19,500 was the cost of just the DPW crews. He stated that it is quite a bargain when you pay \$500 for the event.

Mr. Abbate informed Council that he has paid more than \$500. He stated that they will be bringing their own generators for power and lights. He also advised that the City had requested the stage be put behind home plate. It is being done based on their recommendation. The barriers were based on the police department's recommendation.

Council Member Burns asked Mr. Abbate how he expected Council to act on this tonight when they are hearing that department heads have set guidelines.

Mayor Graham responded that, ultimately, it is a staff decision.

Council Member Burns stated that she agreed. She stated that this is something that will take a lot of discussions in context of the bigger picture and is something within the City Manager's purview.

Mayor Graham commented that he feels the same way about the \$1 parking fee as he does about the tables and chairs fees. He stated that he doesn't think it is necessary.

Council Member Butler remarked that he hoped the concert was a success. He stated that if we don't like the rules we are playing by then it is our responsibility to change them at a later date. However, we have to play fair.

Attorney Slye asked if Council was saying you leave it up to staff to decide if a concert is to be permitted at the ball field and would Council back staff if they said they shouldn't have a concert down there.

Mayor Graham commented that obviously if the Chief of Police felt a compelling reason not to hold a concert, they can do so. He stated that you have to allow staff to approve whether there is going to be an event there. He also commented that the number of restrooms have to be under health department guidelines.

Mrs. Corriveau explained that those guidelines are for 24 hour periods and there are no recommendations for concerts.

Mr. Burnett commented that there was four hours of tailgate drinking before the concert even started and that was out of the realm of their responsibility. He questioned how many arrests were made and stated that none were. He also stated that there were no restroom facilities available outside the fence.

Mayor Graham stated that this is directly related to the clientele that the concert brought in.

Mrs. Corriveau stated that there were portajohns outside the fence early. They were being moved back in around 8 p.m.

### **Reports in the Agenda**

Mayor Graham referred to the reports on sales tax revenue, bike auction results and surplus vehicle auction results that were in the meeting's agenda.

### **Clerk's Office Open on Sunday**

Council Member Burns thanked Mrs. Dutton for opening up her office on Sunday, July 24<sup>th</sup> to issue same-sex marriage licenses to be in compliance with the state law.

### **Future City Clerk in Attendance**

Mayor Graham announced that Ann Saunders was in attendance this evening. She has been appointed to be the future City Clerk.

### **EZB Appointments**

Council Member Butler stated that he had spoke with Mr. Sovie and Mr. Fitzpatrick and they agreed to continue to serve on this board. He will speak with Mr. Lawler, as well.

### **Costs of Events at Fairgrounds**

Council Member Smith commented that if Council is going to receive a report detailing these costs, he would also like to see the offsetting revenues. He asked for a report outlining the cost of the concert in the park, also with offsetting revenues.

### **Park Pool**

Council Member Smith asked about the closing of this pool.

Mr. Hayes explained that it was closed when the power was out. However, it was opened the next day and continues to be open.

### **126 Ward Street**

Mrs. Corriveau advised that the final pieces of the work on this property should be completed tomorrow. The white goods, metal and trash in the back of the property will be removed tomorrow. She listed the extensive work that had been done on the property at Mr. Moot's expense. She stated that Tom Johnston from the Codes office deserves a lot of credit in working through the issues with this property.

### **424 Van Duzee Street**

Mrs. Corriveau advised that this property has been condemned due to structural deficiencies. A hearing was held on June 23<sup>rd</sup> and no one representing the owner came. It is owned by North Country Development of Jefferson County, Inc. If he takes no action, the City will be responsible to take the action. It has been estimated that it will cost \$800,000 for demolition.

Mr. Mills advised that the City held the tax certificate in 2010.

### **Parks and Recreation Department**

Mrs. Corriveau passed out a listing of the reorganization process being proposed for this department. She stated that some of these items will happen concurrently.

Mayor Graham asked about grading the position. He asked if they don't just set salary.

Mrs. Corriveau remarked that positions have a grade relative to what responsibility they have. She advised that Civil Service is prepared to meet when the job descriptions are ready.

### **613 Meade Street**

Mayor Graham stated that the asphalt should be restored.

Council members concurred.

Attorney Slye asked if Council was going to create an exemption.

Council Member Smith asked at what point Council just repeals the margin parking ordinance.

Mayor Graham responded that this whole thing about margin parking exemptions came up because of the farmer's market. He stated that in this case, four people have said yes to restoring it to the way it was.

### **ADJOURNMENT**

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:45 P.M.  
BY MOTION OF COUNCIL MEMBER BUTLER, SECONDED BY COUNCIL  
MEMBER MACALUSO AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

**Donna M. Dutton**  
City Clerk